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Volume III — NO. 4 MONTANA FISH AND GAME DEPARTMENT APRIL, 1968

COMMISSION ELECTS CHAIRMAN

Each April the Montana Fish and Game Commission choose members from their ranks to serve for one year as chairman and vice chairman. This April, Walter Staves of Polson took over the chairman's gavel from Lyle Tauck of Hammond. J. J. Klabunde of Havre moved into Stave's former position of vice chairman.

Roy Killenbeck of Scobey, Montana attended his first Fish and Game Commission meeting in Helena this month. He replaced John Hanson, businessman from Malta, who retired at the end of his term after serving on the commission since 1956.

Killenbeck is a banker, rancher, and mink raiser. He is a native of Aneta, North Dakota, but came to Montana in 1914. He was a member of the Senate during the 1965 session. Reappointed was E. G. Leipheimer, Jr., businessman from Butte. Leipheimer has served on the Fish and Game Commission since February 29, 1960.

Chairman W. E. Staves, Polson

Vice Chairman J. J. Klabunde, Havre

Commissioner E. G. Leipheimer, Jr., Butte

Commissioner Lyle Tauck, Hammond

Commissioner Roy Killenbeck, Scobey

Director's Column

Frank Dunkle, Director of Montana Fish and Game Department.

STATES' RIGHTS TO MANAGE WILDLIFE

The Montana Fish and Game Commission has pledged its support to a bill which would clarify both state and federal responsibilities in managing wildlife. I have written our congressmen urging that they give the bill, H. R. 14598, their consideration.

The rights of individual states to prevent the government from violating state game laws has long been a bone of contention. The current proposed legislation, however, has, come about through several years' study by the Western Association of State Game and Fish Commissioners and the International Association of Game, Fish and Conservation Commissioners.

An incident that began late last year in New Mexico exemplifies the state-federal friction resulting over questionable prerogatives of states to enforce game laws on federal lands. The dispute began when the superintendent of Carlsbad Caverns National Park informed the state of intentions to harvest deer in the park for study purposes by members of the park service staff.

William S. Huey, chief of the state's game management branch, welcomed the study and offered to supply the necessary state permits for collecting deer to the park service staff. In reply, Huey was informed by the park superintendent that "inasmuch as (the park) is a federal project, carried out on public lands we do not consider it necessary that our men have collecting permits issued by your department." Several months later it was reported that at least 12 deer had been killed by park rangers for paunch samples and left to rot in the park.

New Mexico instituted suit for injunction to stop the unlicensed killing of deer by park rangers. A U. S. District Court in New Mexico ruled in favor of the New Mexico Fish and Game Department. In his findings, Judge H. Vearle Payne observed that the Federal Government does not have exclusive jurisdiction over lands within the park. That is, New Mexico has not ceded exclusive control over the lands to the government. The judge acknowledged also that the deer were being taken for research purposes and not to prevent destruction of park property. It is expected that the case will be appealed.

The states do not want nor expect to have all the say over wildlife on federal lands. They agree that the Federal Government has the full right and authority to restrict hunting and fishing, even to the point of prohibiting hunting and fishing. They do not agree, however, that the Federal Government has the right or authority to permit the killing of game and fish over and above that which is authorized by state laws. The bill under consideration takes these points into consideration. Also, it would leave certain facets of wildlife within the control of the Federal Government. Under federal jurisdiction would be the management of migratory birds, wildlife on Indian reservations and other ceded lands, and the management of introduced game species.

Following are some excerpts from H.R. 14598:

. . . The Congress of the United States recognizing the necessity and importance of conservation programs of the several states in the management, preservation, and regulation of fish and wildlife therein; also

. . . and recognizing that under well-established law set forth in many court decisions, including the Supreme Court of the United States, that the title and ownership of fish and wildlife resides and rests in the several states in trust for the benefit of their people independent of jurisdiction over or ownership of land; and that is the primary duty of the states to conserve and protect these resources; and recognizing that Congress has in the past vested certain departments or agencies of the United States with responsibilities to conserve and develop natural resources, including fish and wildlife on certain federally owned lands, but that such responsibilities should be exercised in recognition of the state's ownership of fish and wildlife; and recognizing that it is in the best interest not only of the states but also of the nation that the states have the sole, exclusive, and undisputed legal right to manage, regulate, and control fish and wildlife in accordance with state laws and regulations notwithstanding the ownership or control of the lands by the government of the United States within the boundaries of the respective states.

Now, therefore, it is declared and determined to be in the public interest that title to and ownership of all fish and wildlife, including the regulation, management, and control thereof, in or on any land or water within the territorial boundaries of the respective states, including lands owned or controlled by the United States, continue to be vested in the several states.

The exclusive right and power to conserve, control, and manage said fish and wildlife for public use and benefit in accordance with applicable state law be and they are, subject to the provisions hereof, recognized, confirmed, established, assigned, granted, and transferred to the respective states.

This Act shall not be construed as affecting the responsibilities and rights of departments or agencies of the United States to conserve and develop, subject to the provisions of this Act, the natural resources, including fish and wildlife, on lands owned or controlled by the United States within the territorial boundaries of any state or as depriving the United States of the right to protect and preserve its lands from destruction or depredation by wildlife to the same extent and in the same manner permitted to any owner of land by the laws of the state in which such land is located. There is hereby specifically reserved and excepted from the operation of this law.

All rights and powers of the Congress of the United States to control and regulate the taking of fish and wildlife under any international or Indian treaty or convention to which the United States is a party but only with respect to those species of fish or wildlife expressly named in said treaties.

All rights and powers of the United States in and on areas over which the states have ceded exclusive jurisdiction to the United States . . .

Frank H. Dunkle

As competition for space on favored water areas continues to grow, the potential for water oriented accidents increases also.

BOATING SAFETY

by: M. J. Watt

At the close of World War II new materials and techniques simplified the building of boats and brought the cost within reach of the average wage earners. Within a few short years boating became one of the fastest-growing forms of recreation in America. With it came the problem of boating accidents which often resulted in the tragedy of drowning. Poor judgment, due to lack of experience, and the lack of safety equipment was often the cause of such tragedies.

In 1959 water safety laws were enacted by the Montana Legislature and became effective July 1 of that year. State game wardens were charged with the enforcement of these laws and sheriffs were made responsible for investigating accidents.

Every effort was made to acquaint the boating public with the law and its safety requirements. Labor Day, 1960, wardens patrolled Seeley Lake, a 864-acre lake, and 31 arrests were made for violation of the water safety laws. In 1967 same place, same day, wardens found only four violations of water safety laws. Progress has been made and it is gratifying to note drownings as a result of boating are far less frequent than prior to the enactment of the laws of 1959.

Still there are problems! Recreational water uses are many and varied. Competition for uses are sometimes quite keen between fishermen, water skiers and swimmers. Each must respect the rights and privileges of the other and be alert to unexpected circumstances. One individual that no one appreciates is the person who operates his boat in a reckless or negligent manner. Every year law enforcement personnel receive many complaints about boaters who operate in such a way. A common complaint from fishermen is that speedboats come too close and disturb their fishing. Motorboats have been known to molest swimmers; however, many swimming areas are now marked with buoys which most boaters are beginning to recognize and respect.

The most exasperating part of enforcement has been protecting the people from themselves. One unhappy boater put it this way—"If I want to drown myself, it's none of your business."

Montana Boat Laws

Boats driven by machinery of more than 10 horsepower must be registered with the Board of Equalization and numbered. A boat from out of state requires no Montana registration for a period of 90 days, provided the craft is already properly registered and numbered by the U. S. Coast Guard or by another state having a federally-approved numbering system.

Regulations require all floating craft to carry one life preserver of a type approved by the Coast Guard for each person on board. All children 12 years of age or younger must wear such life preservers while the boat is in motion if the craft is under 26 feet in length.

Running lights are required during hours of darkness. Fire extinguishers shall be carried by motorboats with few exceptions.

Navigation rules of the road are to be observed while the boat is in operation in Montana waters.

Boats must not be operated in a reckless or negligent manner or at excessive speeds. They are prohibited from approaching fishermen or swimming areas marked by red and yellow buoys. Boats must not be overloaded or overpowered.

Water skis shall not be used in a reckless or negligent manner and water skiing shall be prohibited during the hours of darkness.

Montana law also prohibits the discharge of sewage, garbage, refuse or any waste into or upon the waters of any stream, river or lake.

Montana boaters are urged to write or call the Fish and Game Department for information on regulations that apply to boats and boating.

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Edited by VERNON CRAIG

MONTANA MAMMALS

The little Cony, or Rock Rabbit has often been called the "Ventriloquist of the Mountains." In his rocky retreat, he is difficult to spot even when sounding off with his high-pitched "chip".

The following list of Montana Mammals was prepared by Dr. Philip Wright, Chairman of the Department of Zoology, University of Montana, Missoula. It is reprinted here, by permission, from the 1959-60 Montana Almanac.

Revisions from the Almanac have been made by Dr. Wright and by Dr. R. S. Hoffman in order to make the listing current.

The University of Montana Zoology Department maintains a collection of over 6,000 mammal skins and skulls. This includes specimens of all but two of the species listed for Montana. The staff would be happy to identify rare mammals sent in by interested residents and would appreciate donations of any of the species indicated as rare. A "Guide to Montana Mammals," is available at cost from the Associated Students' Store, University of Montana, Missoula.

The nature of many mammals is such that most of us never become familiar with even those that share our own environment. Night-flying bats, the hungry little shrew, the pika stacking hay in his rocky retreat are examples of unfamiliar animals.

Man himself is a mammal; consequently, he has much in common with the other mammal members. All mammals have similarities that set them off from the rest of the animal world. Among other things they all posses hair; nails, claws or hooves; they are warm-blooded; the young are born alive and are suckled.

MONTANA MAMMALS

Classified According to Montana Law

G - - - - Game Animal **P - - - - Predatory Animal** **F - - - - Furbearer**

Common Name	Scientific Name	Distribution and Occurrence
Masked Shrew	**Sorex cinereus**	Dry woods, throughout the state.
Vagrant Shrew	**Sorex vagrans**	Moist woods and meadows in western portion, common.
Merriam Shrew	**Sorex merriami**	Sagebrush and grasslands in eastern counties, quite rare.
Dwarf Shrew	**Sorex nanus**	Known from several high mountain ranges in the center of the state.
Northern Water Shrew	**Sorex palustris**	Banks of fast streams and shores of high altitude lakes in mountains.
Preble Shrew	**Sorex preblei**	Known from a few specimens in central and eastern Montana; very rare.
Pigmy Shrew	**Microsorex hoyi**	Dry woods of northwestern Montana only, rare.
Little Brown Bat	**Myotis lucifugus**	Throughout the state, common.
Yuma Bat	**Myotis yumanensis**	Throughout the state, less common than above.
Little Long-eared Bat	**Myotis evotis**	Throughout the state, fairly common.
California Brown Bat	**Myotis californicus**	Known from Ravalli county.
Long-legged Bat	**Myotis volans**	Higher elevations in western half of the state.
Say Bat	**Myotis leibii**	Most of the state.
Fringed Bat	**Myotis thysanodes**	Very rare; specimens from Lewis and Clark Caverns and Ravalli County.
Big Brown Bat	**Eptesicus fuscus**	Throughout the state, may hibernate in buildings during winter.
Red Bat	**Lasiurus borealis**	Eastern portion of the state.
Hoary Bat	**Lasiurus cinereus**	Deep woods in summer, probably occurs throughout the state in migration.
Spotted Bat	**Euderma maculatum**	Known only from single specimen obtained at Billings.
Townsend's Big-eared Bat	**Plecotus townsendii**	Known from several caves and mines in central and western Montana.
Silver-haired Bat	**Lasionycteris noctivagans**	Wood areas, rather common.
G—Black Bear	**Ursus americanus**	Forested areas, rather common.
G—Grizzly Bear	**Ursus arctos**	Remote wilderness areas especially at high elevations, rare.
F—Fisher	**Martes pennanti**	Probably extinct, but successfully transplanted from British Columbia in 1958-59 near Holland Lake, Missoula County, and Pink Creek, Lincoln County.
F—Marten	**Martes americana**	Most higher mountain regions, common.
P—Short-tailed Weasel	**Mustela erminea**	Generally in forested areas, common.
P—Long-tailed Weasel	**Mustela frenata**	Throughout the state, common.
P—Least Weasel	**Mustela nivalis**	Eastern half of the state, rare.
F—Mink	**Mustela vison**	Marsh areas and stream banks throughout the state, common.
F—Black-footed Ferret	**Mustela nigripes**	Eastern part of the state in prairie dog colonies, extremely rare.
P—Wolverine	**Gulo gulo**	Wilder portions of western mountains, rather rare.
P—Striped Skunk	**Mephitis mephitis**	Throughout the state in farm land and open country, common.
P—Spotted Skunk	**Spilogale putorius**	Known only from specimens obtained in Ravalli county, and in south central Montana.

Badger	**Taxidea taxus**	Throughout the state, common.
F—River Otter	**Lutra canadensis**	On large streams, mostly in western portion, rare.
Raccoon	**Procyon lotor**	Recent invader from both east and west, now common in large river valleys throughout the state.
Red Fox	**Vulpes vulpes**	Formerly rare through the state but now fairly common in many areas.
Swift Fox	**Vulpes velox**	Originally common in eastern counties, now probably extinct.
P—Coyote	**Canis latrans**	Throughout the state, common.
P—Wolf	**Canis lupus**	Originally present throughout the state, now confined to Glacier National Park and vicinity, rare.
P—Cougar	**Felis concolor**	Western counties, rare.
P—Canada Lynx	**Lynx canadensis**	Heavily forested areas in western part of state, rare.
P—Bobcat	**Lynx rufus**	In many areas in state, common.
Yellow-bellied Marmot	**Marmota flaviventris**	Rocky areas and mountains of most of the western part of the state, common.
Hoary Marmot	**Marmota caligata**	Above timberline in Glacier National Park and neighboring high mountain ranges, rare.
Columbian Ground Squirrel	**Citellus columbianus**	Western one-third of the state, common.
Richardson Ground Squirrel	**Citellus richardsonii**	Eastern two-thirds of the state, common.
Uinta Ground Squirrel	**Citellus armatus**	Yellowstone Park and surrounding areas, common.
Thirteen-lined Ground Squirrel	**Citellus tridecemlineatus**	Grassland in eastern and central areas.
Golden Mantled Ground Squirrel	**Citellus lateralis**	Rocky areas in the mountains of central and western regions, common.
Black-tailed Prairie Dog	**Cynomys ludovicianus**	Formerly abundant in eastern Montana, now much reduced by poisoning.
White-tailed Prairie Dog	**Cynomys leucurus**	Known only in Carbon county.
Least Chipmunk	**Eutamias minimus**	Primarily in sagebrush areas in eastern and central Montana, common.
Yellow Pine Chipmunk	**Eutamias amoenus**	Lower elevations in western Montana, common.
Rufous-tailed Chipmunk	**Eutamias ruficaudus**	Higher elevations in northwestern mountains, common.
Uinta Chipmunk	**Eutamias umbrinus**	Higher elevations in the vicinity of Yellowstone National Park.
Red or Pine Squirrel	**Tamiasciurus hudsonicus**	Coniferous forest in western counties, common.
Northern Flying Squirrel	**Glaucomys sabrinus**	Dense forest in western counties, common.
Fox Squirrel	**Sciurus niger**	In towns and river bottoms along the Missouri and Yellowstone Rivers.
Northern Pocket Gopher	**Thomomys talpoides**	Throughout the state, common.
Wyoming Pocket Mouse	**Perognathus fasciatus**	Dry areas in eastern counties, rare.
Great Basin Pocket Mouse	**Perognathus parvus**	Known only from Beaverhead county.
F—Beaver	**Castor canadensis**	Along streams and lakes throughout the state, common.
Ord Kangaroo Rat	**Dipodomys ordii**	Sandy soil and sagebrush in the eastern half of the state.
Northern Grasshopper Mouse	**Onychomys leucogaster**	Grasslands of eastern Montana.
Harvest Mouse	**Reithrodontomys megalotis**	Grasslands of eastern Montana.
Western Deer Mouse	**Peromyscus maniculatus**	Throughout the state in virtually all habitats, common.
White-footed Mouse	**Peromyscus leucopus**	Eastern Montana.
Bushy-tailed Wood Rat	**Neotoma cinerea**	Deserted cabins in Rocky Mountain areas, common.
Northern Bog Lemming	**Synaptomys borealis**	Only in wet meadows of west side of Glacier National Park, rare.
Mountain Phenacomys	**Phenacomys intermedius**	Mostly near timberline in high mountain ranges.
Red-backed Vole	**Clethrionomys gapperi**	Moist coniferous forests in western half of state, common.
Water Vole	**Arvicola richardsoni**	Stream banks at high elevations in the mountains.

Meadow Vole	**Microtus pennsylvanicus**	Wet meadows throughout the state, common.
Longtailed Vole	**Microtus longicaudus**	Wet woods of central and western Montana, common.
Mountain Vole	**Microtus montanus**	Dry grasslands of western and central Montana, common.
Prairie Vole	**Microtus ochrogaster**	Dry grasslands of eastern Montana, common.
Sagebrush Mouse	**Lagurus curtatus**	Sagebrush areas in eastern and central mountains, rare.
F—Muskrat	**Ondatra zibethicus**	Ponds and streams throughout the state, common.
Rocky Mountain Jumping Mouse	**Zapus princeps**	High mountain meadows and wet woods near water in the western half of the state.
Meadow Jumping Mouse	**Zapus hudsonius**	Known only in eastern Montana.
House Mouse	**Mus musculus**	Around human habitations throughout the state, common.
Norway Rat	**Rattus norvegicus**	Known only in some of the cities.
Porcupine	**Erethizon dorsatum**	Throughout the state, common.
Nutria	**Myocaster coypus**	Introduced; once found in the Bitterroot Valley; may still occur near Billings.
Pika	**Ochotona princeps**	Slide rock areas in mountains, common.
Snowshoe Rabbit	**Lepus americanus**	Forested areas in western half of the state, common.
White-tailed Jack Rabbit	**Lepus townsendii**	Open areas throughout the state, common.
Black-tailed Jack Rabbit	**Lepus californicus**	Known only in Beaverhead County.
Mountain Cottontail	**Sylvilagus nuttallii**	Lower elevations in Montana, common.
Eastern Cottontail	**Sylvilagus floidanus**	Found only along the extreme eastern border of the state.
Desert Cottontail	**Sylvilagus audubonii**	Eastern counties, common.
Pigmy Rabbit	**Sylvilagus idahoensis**	Known only in Grasshopper drainage in Beaverhead County.
G—Elk	**Cervus canadensis**	Certain suitable areas in central and western Montana, common.
G—White-tailed Deer	**Odocoileus virginianus**	Forested areas in western Montana and brushy river bottoms in eastern Montana, common.
G—Mule Deer	**Odocoileus hemionus**	Suitable habitats throughout the state, common.
G—Moose	**Alces alces**	Suitable areas in western half of the state, fairly common.
G—Woodland Caribou	**Rangifer tarandus**	Formerly occurred in Lincoln County, now enter the state from British Columbia, but only rarely and in winter.
G—Pronghorn Antelope	**Antilocapra americana**	Most of eastern and central Montana, common.
G—Bison	**Bison bison**	Formerly occurred throughout the state, now confined to Yellowstone National Park, the National Bison Range, and in scattered bands on private ranches.
G—Bighorn Sheep	**Ovis canadensis**	In scattered bands in the western half of the state, reintroduced into several mountain ranges.
G—Mountain Goat	**Oreamnos americanus**	High mountain ranges of northwestern Montana, successfully transplanted in several mountain ranges in central Montana.

Mrs. Frances Breslin, L., and Mrs. Vera Clarke begin the arduous job of packaging licenses and other forms that will be mailed to license agents throughout the state.

Licenses Require Tons of Paper

Literally tons of paper go into maps, regulations, licenses and applications each year. Each license agent gets a bundle of licenses, fishing maps, game maps, application forms, law books, remittance forms, and instructions estimated to last him through the season. In total, 385,000 game maps and 320,000 fishing maps will be distributed. License agents will get almost 800,000 books of various licenses. Most books contain 10 licenses each.

Packaging of the supplies is done at Helena and Fish and Game trucks take shipments to each district headquarters. Final distribution to license agents is made from Fish and Game headquarters in Kalispell, Missoula, Bozeman, Great Falls, Billings, Glasgow and Miles City.

Two game wardens were patrolling an extended deer season area when, upon rounding a curve in the road, they noticed a man with a deer on a hillside. This particular hillside, however, was not in the open area. Stopping, they checked the deer and found it untagged. After questioning and checking the hunter they discovered that he did not have a valid deer tag left on his big game license. He explained to them that his partner had shot the deer and he, instead, had been hunting bear. The wardens knew he had killed the deer but couldn't prove it. The innocent "deerslayer" soon appeared and was immediately presented with a ticket for this violation.

The wardens then departed to their vehicle and while they sat there discussing what had taken place, it suddenly dawned on them that the bear season was closed. They rushed back to the violators and also issued a ticket to the "bear" hunter.

S. P. Markle
Warden Sergeant

MONTANA FISH AND GAME DEPARTMENT

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